

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

KENNETH NANCE,

Petitioner,

vs.

Case No. 3:05cv379

WANZA JACKSON,

JUDGE WALTER HERBERT RICE

Respondent.

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DECISION AND ENTRY ADOPTING INITIAL (DOC. #3) AND  
SUPPLEMENTAL (DOC. #7) REPORTS AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE IN THEIR ENTIRETY;  
PETITIONER'S OBJECTIONS TO SAID JUDICIAL FILINGS (DOCS. #6  
AND #8) OVERRULED; PETITIONER'S PETITION FOR WRIT OF  
HABEAS CORPUS DISMISSED, WITH PREJUDICE, DUE TO THE BAR  
OF THE STATUTE OF LIMITATIONS AND UPON THE MERITS;  
JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST  
PETITIONER ACCORDINGLY; CERTIFICATE OF APPEALABILITY AND  
LEAVE TO PROCEED *IN FORMA PAUPERIS* DENIED;  
TERMINATION ENTRY

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Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge in his Initial (Doc. #3) and Supplemental (Doc. #7) Reports and Recommendations, as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Reports and Recommendations are adopted in their entirety. Petitioner's Objections to said judicial filings (Docs. #6 and #8)<sup>1</sup> are

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<sup>1</sup>The docket sheet reflects a *pro se* Objection at Doc. #9. An examination reveals that same is a duplicate of the *pro se* Objection filed at Doc. #8.

overruled. Judgment will be ordered entered in favor of Respondent and against Petitioner, dismissing the Petition for Writ of Habeas Corpus, with prejudice, due to the bar of the applicable statute of limitations and upon the merits.

Given that reasonable jurists would not disagree with this Court's conclusion, Plaintiff is denied any requested Certificate of Appealability, and, further, given that an appeal from this Court's opinion would be objectively frivolous, any anticipated request to appeal *in forma pauperis* is denied.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

December 21, 2006

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

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